

United States District Court

SOUTHERN

DISTRICT OF

TEXAS

McALLEN DIVISION

UNITED STATES OF AMERICA

V.

CRIMINAL COMPLAINT

Enrique Barrera

PRINCIPAL

Case Number:

YOB: 2000

M-18-2602-M

Mexico

(Name and Address of Defendant)

I, the undersigned complainant being duly sworn state the following is true and correct to the best of my knowledge and belief. On or about December 18, 2018 in Starr County, in the Southern District of Texas defendants(s) did,
(Track Statutory Language of Offense)

knowing or in reckless disregard of the fact that Arnol Isael Hernandez-Chirinos, a national of Honduras, and Onis Esmeralda Luna-Hernandez, a national El Salvador, along with one (1) other undocumented alien, for a total of three (3), who had entered the United States in violation of law, did knowingly transport, or move or attempted to transport said aliens in furtherance of such violation of law within the United States, that is, from a location near Roma, Texas to the point of arrest near Roma, Texas,

in violation of Title 8 United States Code, Section(s) 1324(a)(1)(A)(ii) FELONY

I further state that I am a(n) U.S. Senior Border Patrol Agent and that this complaint is based on the following facts:

On December 18, 2018, Border Patrol Agents observed several subjects crossing the river from Mexico into the United States (U.S.) riverbank. The raft was observed crossing near the "Purple Apartments" in Roma, Texas. This area is commonly used by smugglers to pick up undocumented aliens and transport them further into the interior of the U.S.

SEE ATTACHED

Continued on the attached sheet and made a part of this complaint:

☒ Yes ☐ No

Approved by David A. Lindemann
12/20/18

Julio C. Peña
Signature of Complainant

Sworn to before me and subscribed in my presence,

Julio C. Peña Senior Patrol Agent
Printed Name of Complainant

December 20, 2018 - 8:35 a.m.
Date

at McAllen, Texas
City and State

Juan F. Alanis U. S. Magistrate Judge
Name and Title of Judicial Officer

[Signature]
Signature of Judicial Officer

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
McALLEN, TEXAS**

ATTACHMENT TO CRIMINAL COMPLAINT:

M-18-2602-M

RE: Enrique Barrera

CONTINUATION:

A short time later, Agents observed a white GMC Sierra pickup truck park nearby when several suspected undocumented aliens emerged from the brush and attempted to board it. An agent immediately approached the pickup truck, identified himself as a Border Patrol Agent, and instructed the driver to turn the vehicle off. Simultaneously, the agent observed several suspected aliens board the bed of the truck and others run back towards the brush.

The driver refused to comply with the Agents' command and proceeded to drive away at a high rate of speed. The information was relayed to mobile Agents and camera operators. Shortly thereafter, a nearby Agent observed the truck nearby and with the help of camera operators, managed to follow it to a location where three suspected aliens were observed jumping out from the bed of pickup. Additional Agents responded and apprehended the three subjects. Arnol Isael Hernandez-Chirinos, Onis Esperanza Luna-Hernandez, and the additional subject were all determined to be illegally present in the United States.

Camera operators continued to follow the truck and provided mobile Agents with the vehicle's direction of travel. A mobile Agent activated his emergency equipment in an attempt to get the truck to stop; however, the truck continued to speed away. A short time later, camera operators observed the vehicle come to a stop and the driver bailing out. Camera operators guided Agents to the driver and managed to apprehend him. The driver was identified as Enrique Barrera, a United States Citizen. A search of Barrera revealed the GMC Sierra's ignition key.

All subjects were placed under arrest and transported to the Rio Grande City Border Patrol Station to be process accordingly.

PRINCIPAL STATEMENT:

Enrique Barrera was read his Miranda Rights. He understood and agreed to provide a sworn statement.

Barrera stated he was just driving around and visiting his grandmother in Escobares when he was apprehended by Border Patrol. Barrera claims he was driving his white 2008 GMC truck and he fled because he panicked when he saw law enforcement. Barrera stated he was by himself and denied any knowledge of picking up undocumented aliens.

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
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CONTINUATION:

MATERIAL WITNESSES STATEMENTS:

Arnol Isael Hernandez-Chirinos and Onis Esperanza Luna-Hernandez were read their Miranda Rights. Both understood and agreed to provide a sworn statement.

Hernandez, a citizen of Honduras, stated he paid \$100 Mexican Pesos to be smuggled into the United States. Hernandez stated he illegally crossed the river with about eight people. Hernandez stated the guide instructed them to walk towards a specific landmark and was told a white pickup truck would be waiting at that exact landmark. Hernandez stated the group ran towards the landmark and observed the vehicle he was told would pick them up, he also stated that only four people out of the group were able to jump onto the bed of the pickup truck. Once on the pickup truck, the driver immediately sped away and began driving very erratically. Hernandez stated he saw the people bouncing and hurting themselves on the bed of the truck. Hernandez stated as he heard sirens, the vehicle suddenly came to a stop and the driver yelled "everyone get off!" Hernandez stated the people on the bed jumped off and the driver sped away.

Luna, a citizen of El Salvador, stated an acquaintance made the smuggling arrangements and was to pay \$12,000 USD. Luna claims they were told a white pickup truck would pick them up. After crossing the river along with three other subjects, Luna stated they ran towards the white truck and the truck turned his lights on. Luna claims they climbed onto the bed of the truck and the truck took off at a high rate of speed. Luna stated she feared for her life because she was thrown in the air when the truck hit a pothole. After traveling a few blocks, Luna stated the driver stopped, opened the door, and instructed them to get off and to wait for him there.